

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

David A. Matthews *et al.*

Serial No.: 10/644,967

Filed: August 21, 2003

For: SYSTEM AND METHOD FOR PROVIDING
RICH MINIMIZED APPLICATIONS

Atty. Docket No.: 003797.01880

Group Art Unit: 2179

Examiner: Tuyetlien T. Tran

Confirmation No.: 7579

DECLARATION UNDER 37 C.F.R. § 1.131The Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We, David A. Matthews, Charles Cummins, Justin Mann, Mark Ligameri and Judson Craig Hally, hereby declare that:

- 1) We are named as inventors of the above-captioned application.
- 2) We were employed by Microsoft Corporation (Microsoft) during conception and development of the inventions at least until the filing date of the above-identified application.
- 3) Microsoft is the assignee of the above-identified application.
- 4) Prior to August 3, 2003, the alleged publication date of "Desktop Sidebar v1.03 is out!" (<http://www.desktopsidebar.com>, "Desktop Sidebar"), we conceived of the invention recited in claims 1-3, 5-7, 9-14 and 16-36.
- 5) From just prior to August 3, 2003, until our constructive reduction to practice on August 23, 2003, we diligently pursued the preparation and filing of the above-identified application with the United States Patent & Trademark Office.

- 6) Prior to August 3, 2003, we prepared the invention report attached herewith as Exhibit A.
- 7) Conception of claim 1 prior to August 3, 2003, is supported by Exhibit A. For example, Exhibit A describes user interaction schemes in computing systems throughout the document. Exhibit A further describes minimizing an application and revealing a tile in a sidebar upon receiving a minimize command (e.g., clicking a minimize button) at paragraph 2 of the "Description of the invention" section. Exhibit A also describes that the sidebar is configured to display a plurality of tiles corresponding to a plurality of applications at paragraph 2 of the "Strategic Importance" section on p. 1. Additionally, Exhibit A describes that a tile may include the display of one or more interactive application features of the minimized application at paragraph 2 of the "Description of the invention" section on p. 1.
- 8) Conception of claim 14 prior to August 3, 2003, is supported by Exhibit A. Exhibit A describes moving an application to and displaying various controls of the application in a sidebar upon receipt of a minimize command (without other commands) at paragraph 2 of the "Description of the invention" section.
- 9) Conception of claim 16 prior to August 3, 2003, is supported by Exhibit A. Exhibit A describes inserting a tile into the sidebar for providing access to a corresponding application at paragraph 2 of the "Description of the invention" section on p. 1.
- 10) Conception of claim 25 prior to August 3, 2003, is supported by Exhibit A. Exhibit A generally describes a system for providing user access to information

throughout the document. Further, Exhibit A describes generating a sidebar displaying a plurality of tiles at paragraph 2 of the “Strategic Importance” section on p. 1. Exhibit A also discloses inserting a tile into a sidebar such that one or more selected interactive features of an application corresponding to the tile are displayed in the tile at paragraph 2 of the “Description of the invention” section. Additionally, Exhibit A describes allowing a user to select the placement of elements of the UI (e.g., tiles) in the “Introduction” paragraph on p. 1. Further, it would have been apparent to one of ordinary skill in the art, based on the disclosure of Exhibit A, that we had conceived of generating a sidebar using a processor.

- 11) Conception of claim 2 prior to August 3, 2003, is also supported by Exhibit A. For example, Exhibit A discloses that one or more interactive application features may include a sub-set of original application features at paragraph 2 of the “Strategic Importance” section on p. 1.
- 12) Conception of claim 3 prior to August 3, 2003, is also supported by Exhibit A. Exhibit A describes that one or more interactive application features may include all of the original application features and paragraph 2 of the “Description of the Invention” section, both on p. 1.
- 13) Conception of claims 5, 17, 29 (in part) and 35 (in part) prior to August 3, 2003, is supported by Exhibit A. For example, Exhibit A describes hiding the application window upon receiving a minimize command at paragraph 2 of the “Description of the invention” section on p. 1.

- 14) Conception of claims 6, 7, 18, 19, 29 (in part) and 35 (in part) prior to August 3, 2003, is supported by Exhibit A. For example, Exhibit A discloses hiding a taskbar application button associated with the application upon and hiding an alt-tab entry associated with the application upon receiving the minimize command at paragraph 3 of the "Description of the invention" section on p. 1.
- 15) Conception of claims 10, 21, 26 and 33 prior to August 3, 2003, is supported by Exhibit A. For example, Exhibit A describes a restore button accessible through the tile to allow the user to maximize the application in the "Special controls" sub-section of the "Description of the invention" section on p. 1.
- 16) Conception of claims 12, 23 and 34 prior to August 3, 2003, is supported by Exhibit A. For example, Exhibit A describes allowing a user to determine a size of a tile at paragraph 2 of the "Strategic Importance" section on p. 1.
- 17) Conception of claim 28 prior to August 3, 2003, is supported by Exhibit A. For example, Exhibit A further discloses a remove from bar option that removes a tile/application from the sidebar. See, e.g., point 3 of the "Special controls" sub-section on p. 1.
- 18) With respect to claims 13 and 24, we submit that it would have been apparent to one of ordinary skill in the art, in view of Exhibits A-C, that we had, at the time Exhibits A-C were generated, conceived of storing instructions on one or more computer storage media for performing the methods of claims 1 and 12, respectively.
- 19) Conception of at least the invention of claims 9, 20, 30 and 36 prior to August 3, 2003, is evidenced in a planning document prepared prior to August 3, 2003 and

attached herewith as Exhibit B. In particular, the “Description of the feature in pri order:” box of Exhibit B describes that “tiles have a flyout that offer more status and control.”

- 20) Conception of at least the invention of claims 11, 22 and 27 is evidenced in a design specification prepared prior to August 3, 2003 and attached herewith as Exhibit C. Specifically, the ability to select features available through a tile is described in at least the section entitled “Tile Properties” of Exhibit C.
- 21) Conception of claim 31 prior to August 3, 2003, is supported by Exhibits A and C. Exhibits A and C, as a whole, generally relate to a system for providing access to a minimized application through a user interface. Further, Exhibit A discloses the ability to provide interactive features of an application upon minimization of the application and to display a tile corresponding to the application upon minimization at paragraph 2 of the “Description of the invention” section. Additionally, paragraph 2 of the “Description of the invention” section of Exhibit A describes displaying the interactive features in the tile in response to minimization. Exhibit C discloses a feature selection module for selecting features available through a tile is described in at least the section entitled “Tile Properties.” Further, it would have been apparent to one of ordinary skill in the art, in view of at least Exhibits A and C, that such a system for minimizing applications would include a processor and that the claimed features would be performed by various modules of the system.
- 22) Conception of claim 32 prior to August 3, 2003, is supported by Exhibit A. For example, Exhibit A describes revealing a tile in a sidebar configured to host a tile,

wherein the sidebar includes a plurality of tiles corresponding to a plurality of applications. See, e.g., paragraph 2 of the “Description of the invention” section; paragraph 1 of the “Strategic Importance” section.

- 23) On August 4, 2003, our patent attorneys at the law firm of Shook, Hardy and Bacon, LLP forwarded a draft application to us for our review. The forwarding of this draft is evidenced by the email attached as Exhibit D. Due to some transmittal difficulties, the draft application was retransmitted on August 5, 2003 (also evidenced by Exhibit D).
- 24) On August 7, 2003, we provided comments and revisions to our patent attorneys, as shown in the email attached as Exhibit E.
- 25) On August 14, 2003, our patent attorneys prepared a revised application along with formal documents for our review and approval. The forwarding of the revised application is evidence by the e-mail attached as Exhibit F.
- 26) On August 21, 2003, the above-captioned patent application was filed in the U.S. Patent and Trademark Office.
- 27) The preparation of the invention report, the planning document and the design specification and the exchange of draft applications with our patent attorneys demonstrate conception of the invention prior to August 3, 2003, and diligence from a date just prior to August 3, 2003, until the constructive reduction to practice of the above-captioned patent application when the application was filed on August 21, 2003.
- 28) All acts referred to in this Declaration were performed either in the United States, or in a WTO member country.

- 29) Exhibits A and C-F, have not been altered since they were originally prepared except for the redaction of references to dates and irrelevant or extraneous information. Exhibit B has not been altered since it was originally prepared.
- 30) We declare under penalty of perjury under the law of the United States of America that statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,


David A. Matthews

10/22/07
Date

Charles Cummins

Date

Justin Mann

Date

Judson Craig Hally

Date

Mark Ligameri

Date

Declaration Under 37 C.F.R. § 1.131

- 29) Exhibits A and C-F, have not been altered since they were originally prepared except for the redaction of references to dates and irrelevant or extraneous information. Exhibit B has not been altered since it was originally prepared.
- 30) We declare under penalty of perjury under the law of the United States of America that statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

David A. Matthews

Date



Nov 7, 2007

Charles Cummins

Date

Justin Mann

Date

Judson Craig Hally

Date

Mark Ligameri

Date

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- 7 -

Atty. Dkt. No. 003797.01880

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Respectfully submitted,

David A. Matthews

Date

Charles Cummins

Date

Justin Mann

10/16/2007
Date

Judson Craig Hally

Date

Mark Ligameri

Date

Serial No. 10/644,967

- 7 -

Atty. Dkt. No. 003797.01880

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Respectfully submitted,

David A. Matthews

Date

Charles Cummins

Date

Justin Mann

Date

Judson Craig Hally

Date

Mark Ligamori

12-10-2007

Date